

REMARKS

Claims 24-30 are currently pending in the application. Claims 24, 28 and 30 are independent. By this amendment, claims 31 and 32 are canceled and claim 30 is amended. Support for the amendment to claim 30 can be found in Figs. 5 and 7, page 7 of the specification, and claims 31-32, for example. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Present Amendment is proper for entry

Applicant respectfully submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter is presented nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required. Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal. Accordingly, Applicant requests the Examiner to enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims. Applicant notes, in particular, claim 30 has been amended to recite the features of canceled claims 31 and 32 in the alternative, which has been considered by the Examiner.

Allowable Claims

Applicant appreciates the indication that claim 28 is allowed. Applicant submits, however, that all claims are in condition for allowance for the following reasons.

35 U.S.C. §102 Rejections***Over Sabo***

Claims 24-26 and 29-32 were rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 5,806,702 to SABO. This rejection is respectfully traversed.

The claimed invention is directed to a recirculating filter tank system adapted for use in a septic system. The tank includes a bottom and sides, and an inlet and outlet. An effluent distribution system includes troughs forming channels integrally in at least the bottom and sides of the tank. The channels include at least one bottom channel that opens out to an inside of the tank and that spans substantially between ends of the tank at the bottom, and that also includes additional channels intersecting the bottom channel.

Claim 24 specifically recites:

at least one bottom channel being open to an inside of the tank and spanning substantially between opposing ends of the tank at the bottom and additional channels intersecting the bottom channel.

Claim 30 specifically recites:

at least the bottom of the tank comprising integrally formed troughs which open to an inside of the tank;
at least one of the integrally formed troughs of the bottom of the tank spanning the bottom of the tank and extending between different sides of

the tank

SABO does not show or disclose these features. Instead, Figs. 3 and 5 of SABO show an 8-sided star-shaped floor 54. In SABO, a plurality of intersecting ribs 52 provide an avenue for ground water. The upper side of the ribs 52 define a floor 54 (see col. 2, lines 62-65). The ribs project into the inside of the tank and open to the outside of the tank. As Fig. 5 clearly demonstrates, to the extent that one can argue that opposite legs of the star-shaped floor 54 extend across the bottom of the tank, it is clear that each leg or channel of this star-shaped floor 54 opens to the outside of the tank and not to the inside of the tank. The invention, in contrast, provides for a bottom spanning trough which opens to the inside of the tank (see Fig. 5).

Applicant notes this distinction is not one without a difference, because the trough of the invention allows for fluid flow across the bottom of the tank and within the tank, and is designed to, e.g., replace the piping 12 and 14 of the embodiment shown in Figs. 2-4 of the instant application (see page 7, lines 13-17). On the other hand, the floor design of the tank in SABO would not allow for any flow across the bottom of the tank, much less, within the tank. Also, SABO specifically designed the tank with the channels facing the outside of the tank in order to "provide an avenue for ground water." This is clearly opposite of and teaches away from the claimed invention.

Applicant emphasizes that while the Examiner has alleged that SABO teaches a tank bottom having a bottom channel which both opens out to an inside of the tank and which spans substantially between ends of the tank, and/or

that SABO teaches a tank having a bottom with at least one integrally formed trough which spans the bottom of the tank and extends between different sides of the tank, the Examiner has clearly failed to identify such a channel or trough in SABO. Nor can the Examiner identify these features because Figs. 3 and 5 of SABO clearly demonstrate a bottom 54 which has no bottom spanning troughs or channels which open out to an inside of the tank. Finally, the Examiner has failed to identify where in SABO it discloses additional channels intersecting the recited bottom spanning bottom channel.

Therefore, claims 24 and 30 include allowable subject matter, not shown in the SABO reference.

Accordingly, Applicants respectfully request that the rejection over claims 24-26, 29 and 30 be withdrawn.

Over Berg

Claim 30 was rejected under 35 U.S.C. §102(e) for being anticipated by U.S. Patent No. 6,280,614 to BERG et al. This rejection is respectfully traversed.

The claimed invention is directed to a recirculating filter tank system adapted for use in a septic system. The tank includes a bottom and sides, and an inlet and an outlet. At least the bottom of the tank comprises integrally formed troughs which open to an inside of the tank. At least one of the integrally formed troughs of the bottom of the tank spans the bottom of the tank and extends between different sides of the tank. The tank further provides that the at least one of the integrally formed trough spanning the bottom of the tank having one

end extending to a first side of the tank containing the inlet and another end extending to a second side of the tank containing the outlet, or at least another of the integrally formed troughs intersecting said integrally formed trough spanning the bottom of the tank.

In particular, claim 30 specifically recites:

at least one of the at least one of said integrally formed trough spanning the bottom of the tank having one end extending to a first side of the tank containing the inlet and another end extending to a second side of the tank containing the outlet, or at least another of the integrally formed troughs intersecting said integrally formed trough spanning the bottom of the tank.

BERG does not show or disclose either of these features. Instead, Figs. 2 and 6 of BERG merely show a tank which includes troughs defined by ribs 4 that extends between sides other than those having the inlet and outlet and which do not have any intersecting troughs. Applicant emphasizes that Figs. 2 and 6 of BERG show a tank which is entirely devoid of any intersecting troughs or any integrally formed troughs which spans the bottom of the tank and which have one end extending to a first side of the tank containing the inlet and another end extending to a second side of the tank containing the outlet.

As explained above, this distinction is not one without a difference, because the trough of the invention which extends between the sides which have the inlet and the outlet allows for fluid flow across the bottom of the tank and within the tank, and is designed to, e.g., replace the piping 12 and 14 of the embodiment shown in Figs. 2-4 of the instant application (see page 7, lines 13-17). On the other hand, the floor design of the tank in BERG would not allow for

any flow across the bottom of the tank between the sides having the inlet and outlet because the ribs 4 would interfere with such flow.

Thus, claim 30 includes allowable subject matter, not shown in the BERG reference.

Accordingly, Applicant respectfully requests that the rejection over claim 30 be withdrawn.

35 U.S.C. §103 Rejection

Claim 27 was rejected under 35 U.S.C. §103(a) over SABO in view of U.S. Patent No. 6,202,370 to MILLER et al. This rejection is respectfully traversed.

Applicant agrees with the Examiner to the extent that SABO lacks the recited sheet and that MILLER teaches to use a liner in a septic tank. However, as the Examiner has not identified any language in either SABO or MILLER with regard to a tank having at least one bottom channel being open to an inside of the tank and spanning substantially between opposing ends of the tank at the bottom in combination with additional channels intersecting the bottom channel, and because it is not apparent that either document discloses or suggests these features, Applicant submits that no proper combination of these documents discloses or suggests at least the combination of features recited in claim 24, much less, those additionally recited in claim 27 from which it depends.

Accordingly, Applicant respectfully requests that the rejection over claim 27 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,
Carlos V. PERRY, Jr.



Andrew M. Calderon
Registration No. 38,093

November 9, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
703-716-1191